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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Mitsuya Kishida

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EXAMINER

HUYNH, NAM TRUNG

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/977,887	Applicant(s) KISHIDA ET AL.	
	Examiner Nam Huynh	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-12 and 16-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5-12, and 16-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This office action is in response to amendment filed on 5/10/2006. Of the original claims 1-22, claims 1, 5-12, and 16-22 have been amended and claims 2-4 and 13-15 have been cancelled.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1, 5, 7-10, 12, 16, 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wakatsuki (US 6,792,450) in view of Yoon et al. (US 6,628,971).

A. Regarding claims 1 and 12, Wakatsuki discloses an information providing method for a communication terminal apparatus. In the scope of the invention, a communication terminal apparatus downloads a plurality of related still pictures from an electronic comic server via a base station (figure 1, item 8). A display order (pre-set

Art Unit: 2617

parameter) is given to the comic data stored in the electronic comic server (column 3, lines 21-35). When the communication terminal apparatus is placed in the download mode, the communication terminal apparatus receives and accumulates electronic comic data and stores this data in a removable memory (column 4, lines 50-62). Once the comic data is downloaded and stored, the communication terminal apparatus is capable of being placed in an electronic comic mode, where the electronic comic data is read out (retrieved) from the memory and sequentially displayed from the first page under control of the control unit based on data of pages given to data of still pictures comprising the electronic comic data (automatically selecting image to be displayed according to pre-set parameter) (column 5, lines 11-19, 41-44). Wakatsuki does not explicitly disclose that the invention pertains to background images as stated in the preamble of the claims. Yoon et al. discloses a method for displaying background images in a mobile telephone that downloads and stores background images from a computer and displays a selected one of the stored background images (abstract). Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Wakatsuki to display background images, as taught by Yoon et al., in order to allow a user, when desired, to display background images in a sequence on the display window of the communication terminal apparatus when the display window is back-lighted. This modification provides a user with more options in the customization of the appearance of his/her apparatus.

B. Regarding claims 5 and 16, Wakatsuki discloses that when the communication terminal apparatus is connected to the electronic comic server in a dial-up fashion, a

Art Unit: 2617

user may be identified (registered) based on a telephone number given to the communication terminal apparatus (column 8, lines 58-63).

C. Regarding claims 7-8 and 18-19, Wakatsuki discloses that the comic data is stored in a removable memory or a fixed memory of the communication terminal apparatus (column 4, lines 59-62).

D. Regarding claim 9 and 20, Hubbe et al. teaches the downloading of images from a computer (abstract).

E. Regarding claims 10 and 21, Wakatsuki discloses that the communication terminal apparatus is connected to the Internet by the mobile communication exchange (column 3, lines 46-48). A browser can be seen in figures 5A-5C in which a user would interact with the electronic comic server.

4. Claims 6 and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Wakatsuki (US 6,792,450) in view of Yoon et al. (US 6,628,971) as applied to claims 1 and 12, and in further view of Hubbe et al. (US 6,667,748).

Wakatsuki disclose the limitations set forth in claims 1 and 12, but does not explicitly disclose that the images (comic data) is stored on the memory of a Subscriber Identity Module. Hubbe et al. discloses a subscriber identity module (SIM) connected to a mobile telephone (figure 1) and that a SIM is used for storing both data specific to the user and data relating to additional services which it supplies to the radio communications terminal (column 1, lines 19-23). Therefore it would have been obvious to one of ordinary skill in the art to allow the comic data to be stored on the SIM of the communication terminal apparatus of the combination of Wakatsuki and Yoon et

Art Unit: 2617

al., as taught by Hubbe et al., in order to save fixed memory resources on the apparatus.

5. Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wakatsuki (US 6,792,450) in view of Yoon et al. (US 6,628,971) as applied to claims 1 and 12 as applied to claims 1 and 12 above, and further in view of Fogarty (US 6,311,180).

The combination of Wakatsuki and Yoon et al. discloses the limitations set forth in claims 1 and 12. The combination does not explicitly disclose the formatting of background and foreground images. Fogarty discloses a method for mapping and formatting information (figure 2, item 306) for a display device in which a mapping system creates a display document. This display document describes display parameters such as background and foreground colors (column 10, lines 11-24). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to follow the teachings of Fogarty, and create a display document for the background images in the combination of Wakatsuki and Yoon et al. in order to properly display the background image without any colors of the foreground. It is further obvious that by eliminating foreground colors in the background, the background image would be distinct and not be confused with foreground information.

Response to Arguments

6. Applicant's arguments with respect to claims 1, 5-12, and 16-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam Huynh whose telephone number is 571-272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NTH
7/25/06


GEORGE ENG
SUPERVISORY PATENT EXAMINER